

DRAFT

Text Amendment Application No.
Boston Redevelopment Authority
Limited Height Districts

TEXT AMENDMENT NO.

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

1. By striking out in the first paragraph of Section 3-1A, respecting special purpose overlay districts, the word "or" as it appears before item (h), and by inserting after said item (h) the following item:

, or (i) limited height district (distinguished by the addition of a numerical suffix added to the basic district designation).
2. By inserting in said Section 3-1A, below the paragraph headed "Interim Overlay Planning District", the following paragraph:
 - i. Limited Height Districts. A limited height district may be established by map amendment which adds to the basic district designation or designations a numerical suffix which indicates the maximum height in feet for buildings in such district. When such district designation does not appear in the first column of Table B of Section 13-1, the dimensional requirements of said Table B shall be as shown for the base district, except that the maximum height of buildings shall be as specified by such suffix.
3. By inserting in Table B of Section 13-1, in the column heading "Height of Buildings/maximum stories/feet", the following footnote notation:

4. By inserting the following footnote below said Table B:

(15) See also paragraph i of Section 3-1A.

5. By striking out Section 16-8 respecting restricted roof structure districts and inserting in place thereof the following section:

SECTION 16-8. Restricted Roof Structure Districts. In a restricted roof structure district, other than the North End/Waterfront Restricted Roof Structure District, no roofed structure designed or used for human occupancy, access (except as allowed in paragraph below), or storage shall be erected or enlarged on the roof of an existing residential building, or on the roof of a building not in residential use but originally built as a residential building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor. In the North End/Waterfront Restricted Roof Structure District, the above regulations shall apply to all buildings, residential or nonresidential. In reaching its decision, said Board shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that (a) such deck is less than one foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1 or by a numerical suffix specifying a height limit; and (c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such roof structure, from a roof edge that faces a street more than twenty feet wide.

6. By striking out Section 13-3, respecting nonconformity as to dimensional requirements, and inserting in the place thereof the following section:

SECTION 13-3. Nonconformity as to Dimensional Requirements. A structure or use that does not conform to the applicable dimensional requirements specified in provisions of this Article and Articles 14 to 22, inclusive, may nevertheless be altered or enlarged, provided such structure or use was lawfully in existence on the effective date of this code or, in the case of a structure or use made nonconforming by an amendment of this code, on the effective date of such amendment; and also provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirement.

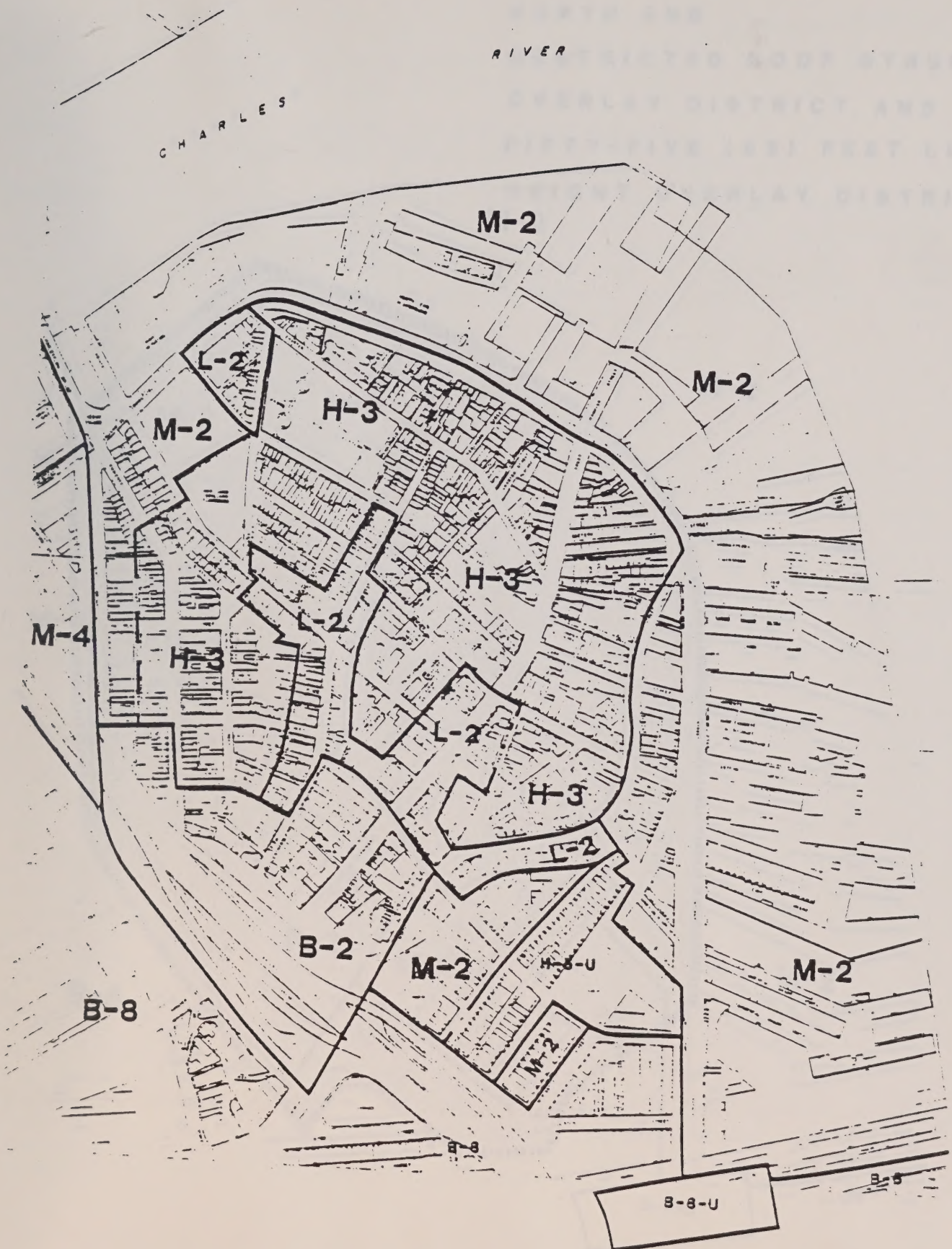
DRAFT

MAP AMENDMENT NO.
THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend Map 1 - Boston Proper, of the series of maps entitled "Zoning Districts - City of Boston" dated August 15, 1962, as follows:

1. By adding to the present or new zoning designations of land in the North End and part of the Downtown Waterfront - Faneuil Hall Urban Renewal Area, the suffix - , indicating the maximum height in feet of buildings in the North End Limited Height District; and by adding after said suffix an asterisk or small circle, indicating a Restricted Roof Structure District. Said land is bounded by Washington Street North, Commercial Street, Atlantic Avenue, the extension of Clinton Street to Atlantic Avenue, and Blackstone Street.

EXISTING ZONING





PROPOSED ZONING

NORTH END

RESTRICTED ROOF STRUCTURE

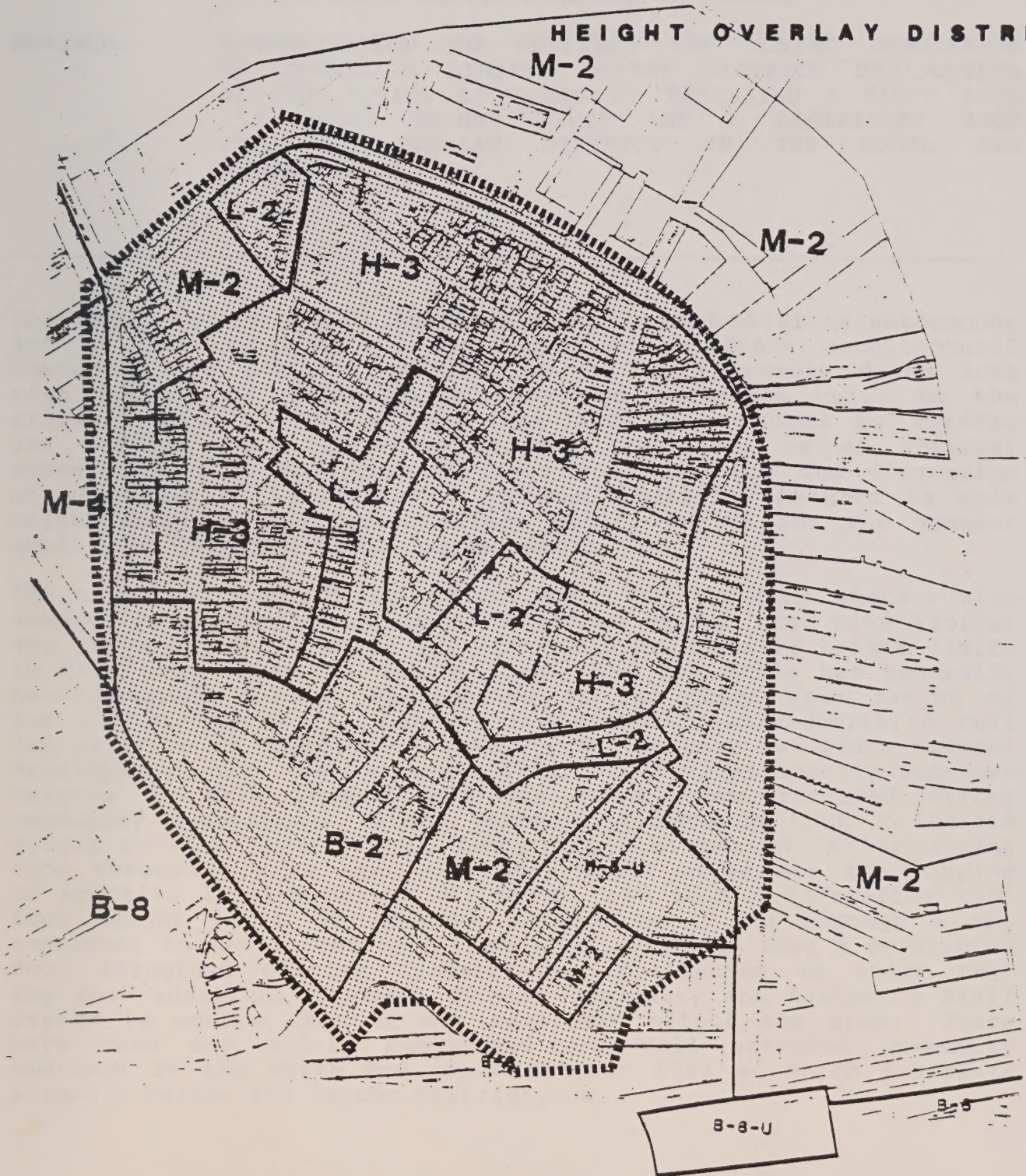
OVERLAY DISTRICT AND

FIFTY-FIVE (55) FEET LIMITED

HEIGHT OVERLAY DISTRICT

M-2

CHARLES



Linda Bourque

16.

MEMORANDUM

APRIL 4, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, DIRECTOR OF ZONING
LUCILE SIMS, DEPUTY DIRECTOR OF ZONING

SUBJECT: AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO CREATE A LIMITED HEIGHT DISTRICT DESIGNATION
IN THE ZONING CODE AND TO ESTABLISH A FIFTY FIVE
(55) FOOT HEIGHT LIMIT AND A RESTRICTED ROOF
STRUCTURE OVERLAY DISTRICT IN THE NORTH END
NEIGHBORHOOD.

The North End is one of Boston's oldest residential neighborhoods and it has retained its low scale and distinct architectural character for several decades. It is an extremely dense area with narrow and irregular streets and buildings built to the sidewalk lines. The streets are heavily impacted by traffic and parked cars. Building height, therefore, is of critical concern to the provision of light and air flow and dispersion of vehicular air pollution. Increased building heights in this neighborhood can seriously affect public health and the general quality of life for North End residents.

The majority of buildings in the North End are four stories with several five story buildings. Buildings higher than five stories are the exception. There are currently no specific height limits in this area under the Zoning Code. The low scale has generally been retained through application of the floor area ratios of two (2) and three (3) and the traditionally characteristic full lot coverage of buildings. However, in the past few years several developments have been proposed which would significantly increase heights in this neighborhood and which have received strong community opposition. Staff strongly recommends that a limited Height Overlay District('s) designation be created in the zoning code through a text amendment that would allow for the mapping of specific limited height districts, and that a fifty-five (55) foot height limit be created in the North End through a map amendment to the zoning maps. We also recommend that a Restricted Roof Structure Overlay District be implemented in order that any roof additions proposed receive community and Authority Staff review to ensure they do not adversely affect the area. There have been two widely publicized and well attended community meetings in the North End since October 1984 at which residents strongly called for height restrictions.

We therefore recommend that the Authority support the attached zoning amendments and authorize the Director to petition the zoning commission to enact these amendments.

Appropriate vote follows.

VOTED: That Boston Redevelopment Authority hereby supports and authorizes the Director to petition the Zoning Commission to adopt text and map amendments in substantial accord with the amendments submitted to the Authority on April 4, 1985 which would establish a Limited Height Overlay District designation in the Zoning Code that would allow for the mapping of specific limited height districts, and which would create a fifty-five (55) foot Limited Height Overlay District and Restricted Roof Structure Overlay District in the North End to protect the neighborhood from adverse effects of increased heights and provide for community and Authority review of any proposed roof additions; and that the Authority hereby requests the Zoning Commission to conduct the public hearing on said amendments within the North End community.

